

July 3, 1997

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Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Administration of the North American Numbering Plan
CC Docket No. 92-237

Dear Mr. Caton:

Enclosed please find the Reply Comments of WinStar Telecommunications, Inc. for filing in the above-referenced docket.

Please contact the undersigned directly should there be any questions concerning this matter.

Sincerely,



Russell C. Merbeth
Assistant Vice President, Regulatory/Legal

cc: Timothy R. Graham
David Ackerman
Robert G. Berger
Joseph R. Sandri
Barry Ohlson
Daniel Gonos

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Administration of the)	CC Docket No. 92-237
North American Numbering Plan)	

REPLY COMMENTS OF WINSTAR TELECOMMUNICATIONS, INC.

WinStar Telecommunications, Inc. ("WinStar"), by its attorneys, respectfully submits these reply comments in the above-captioned proceeding.

INTRODUCTION

WinStar, through subsidiaries of its parent company, WinStar Communications, Inc. ("WCI"), is a provider of intra- and interstate telecommunications services throughout the United States. WCI's subsidiaries have been licensed by the Federal Communications Commission ("FCC") to provide radio microwave services in the 38.6-40.0 GHz radio band on an interstate basis in numerous areas, including: Akron, Albuquerque, Atlanta, Austin, Baton Rouge, Boca Raton, Baltimore, Boise, Boston, Buffalo, Charlotte, Chicago, Cincinnati, Cleveland, Dallas, Denver, Detroit, Houston, Indianapolis, Jacksonville, Kansas City, Los Angeles, Memphis, Miami, Milwaukee, Minneapolis, New Orleans, New York City, Norfolk, Oakland, Oklahoma City, Omaha, Philadelphia, Phoenix, Pittsburgh, Portland, Richmond, San Antonio, San Diego, San Francisco, Seattle, Spokane, Stamford, St. Louis, Tacoma, Tampa and Washington, D.C.

WinStar's affiliates also have the requisite authority to provide *intrastate* non-switched high-capacity microwave services in 34 jurisdictions: Arkansas, California, Colorado,

Connecticut, Washington, D.C., Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. In addition, WinStar's affiliates also have been authorized to provide competitive switched local exchange services, on both a facilities and resale basis, in 22 jurisdictions: California, Colorado, Connecticut, Washington, D.C., Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

WinStar and its affiliated operating companies utilize frequencies in the 38 GHz radio band to provide state-of-the-art telecommunications services which are capable of reaching over 100 million people and over 60 percent of corporate America in the nation's top 42 markets. Specifically, these companies utilize the 38.6-40.0 GHz radio band to carry high-speed, digital traffic, including voice, data, and video transmission.¹ These licenses have enabled the Company to design high-speed microwave services that employ a conservative design to avoid service disruption and, therefore, ensure cost-effective, reliable service. As a fixed wireless competitive local exchange carrier ("CLEC"), WinStar seeks to provide a single source for local and long

¹ The 38.6-40.0 GHz radio band is a portion of the "millimeter wave" frequency band. The term millimeter wave frequency band is taken from the fact that the wavelength of radio signals on frequencies between 30 GHz and 300 GHz ranges between 1 and 10 millimeters. The millimeter wave region of the spectrum is a major resource that is largely undeveloped and underutilized today. See *Amendment of Parts 2 and 15 of the Commission's Rules to Permit Use of Radio frequencies Above 40 GHz for New Radio Applications*, Federal Communications Commission, ET Docket No. 94-124, RM 8308, Notice of Proposed Rulemaking at ¶ 7 (rel. Nov. 8, 1994) ("*Radio NPRM*").

distance telecommunications services to all classes of customers with quality and pricing levels comparable to those achieved by larger communications users.

SELECTION OF THE NORTH AMERICAN NUMBERING ADMINISTRATOR

As a new entrant in the local exchange market, WinStar's fortunes are directly tied to its ability to access numbering resources on the same terms and conditions and in the same time frames as those resources are available to the incumbent local exchange carriers ("ILECs"). Thus, the success of WinStar, and all other CLECs, depends upon fair and efficient number administration. Although the Commission initiated an examination of the need for a new North American Numbering Plan Administrator ("NANPA") in 1991, numbering resources have been and remain under the direct and indirect control of the regional Bell Operating Companies ("RBOCs"). As such, the current system for numbering administration is inherently unfair to CLECs and has been a significant impediment to competitive advancement in the local exchange market.

The Commission, and the North American Numbering Council ("NANC"), on which WinStar participated, are to be applauded for their determined efforts to develop a system for telephone number administration that comports with the principles of impartiality that the Telecommunications Act of 1996 (the "1996 Act") sets out for numbering administration. Bell Communications Research, ("Bellcore") as it is directly under the control of the RBOCs, is unsuitable as the numbering administrator in the post-1996 Act era of competitive local exchange service provisioning. A system for neutral and impartial number administration, as the NANC has recommended, must quickly be put in place if new market entrants are to avoid further competitive impediments in connection with obtaining and porting numbers for their customers.

To this end, WinStar strongly supports the NANC recommendation that Lockheed Martin ("Lockheed") be chosen for the role of the new NANPA. As an independent contractor, Lockheed is more likely to be able to carry out the mission of providing unbiased administration of the numbering resource than is the current administrator, Bellcore, which, as discussed above, has its roots in the RBOC environment. Despite displaying substantial good faith efforts to be impartial in numbering administration, there always has been some well founded concern that Bellcore was unreasonably biased toward its shareholders, the RBOCs.

As it also is the selected vendor for the Numbering Plan Administration Center ("NPAC") for implementing Local Number Portability ("LNP") in four of the seven RBOC regions, Lockheed is doubly qualified in the area of numbering administration. In fact, given its role as vendor for the NPAC in four RBOC regions, the selection of Lockheed as the new NANPA should result in synergies that provide an opportunity for immediate realization efficiencies and, presumably, lower costs for all service providers in those four regions.

Although selection of Lockheed as numbering administrator will have compound benefits, for four of the seven RBOC regions, WinStar believes that, given the lower cost of Lockheed's proposal than that of Mitretek, the first alternative, all service providers in all regions of the country stand to realize real cost savings and efficiencies from Lockheed's selection as the NANPA. As noted by some commenters, CO Code Administration functions currently are decentralized and are performed by thirteen different local exchange carriers.² WinStar agrees that the Lockheed proposal, which would centralize CO Code Administration entirely, will eliminate an area of significant overhead duplication and, should result in a more consistent

² Comments of MCI Telecommunications Corporation at 11 ("MCI Comments").

application of CO Code assignment guidelines.³ As a result of such centralization, the ILECs and the CLECs alike stand to gain from Lockheed's selection as NANPA.

Although Lockheed's selection as the NPAC vendor serves as powerful testimony to its qualifications as the overall numbering administrator, if the Commission adopts the NANC recommendation, it should be careful in its order to build in an appropriate "firewall" between Lockheed's dual functions as NPAC vendor and as NANPA. The lack of proper distancing between the two functions conceivably could result in information gleaned from LNP applications being used unfairly to keep a carrier with substantial porting activity from obtaining new NXX resources essential for growth. The Commission also must ensure that all information submitted to and utilized by the new NANPA be treated in a confidential manner in order to ensure that companies cannot gain access to competitively sensitive information submitted by other companies requiring numbering resources.

Finally, WinStar would remind the Commission that it is essential to competitive advancement that it adopt the NANC's proposed Rule 52.13(f) which provides that, if the NANP Administrator is replaced, all intellectual property that is developed for NANPA functions be made available, at no charge, to any successor NANPA.⁴ Without free transferral of ownership of NANPA intellectual property to a successor entity, such entity effectively will be unable to function in its new role, thereby handicapping the process of selecting a new administrator and requiring the costly development of systems and processes to assume NANPA functions.⁵

³ MCI Comments at 12.

⁴ NANC Recommendation, Attachment 2, NANPA Rules at 5.

⁵ MCI Comments at 14.

Without declaring that essential components of the NANP system developed during the new administrator's term are to be held as a public trust, the telecommunications industry and, consequently, the public, will suffer undue expense and delay upon the replacement of the NANPA.

CONCLUSION

For the reasons stated above, the Commission should adopt the North American Numbering Council's recommendation that Lockheed Martin be chosen as the replacement for Bellcore as the NANPA.

Respectfully submitted,



Timothy R. Graham
Russell C. Merbeth

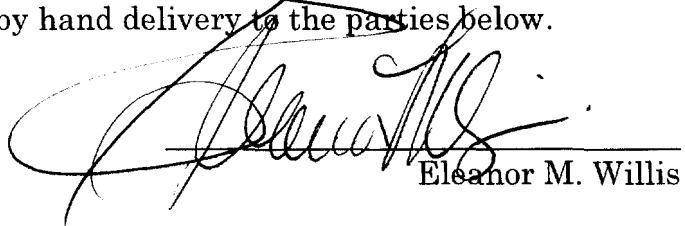
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Attorneys for WinStar Telecommunications, Inc.

Dated: July 3, 1997

**CERTIFICATE OF SERVICE
FCC DOCKET No. 92-237**

I, Eleanor M. Willis, to hereby certify that on this 3rd day of July, 1997, I have served a copy of the Reply Comments of WinStar Telecommunications, Inc., in the matter of the Administration of the North American Numbering Plan, in CC Docket No. 92-237, by hand delivery to the parties below.



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